REMARKS

Claims 60-70 remain pending in the application. Claim 66 has been allowed by the Examiner. Applicants have herein cancelled Claims 60-65, amended Claims 67-69, and added new Claims 71-82 so as to more clearly define the subject matter claimed therein. In that the amended Claims 67-69 and newly added Claims 71-82 do not introduce new matter and are supported in the specification as originally filed, their entry is respectfully requested. Specification support for amended Claims 67-69, and newly added Claims 71-82 can be found at least as follows: page 8, lines 32-38; page 9, lines 1-33; page 11, lines 3-11 and 27-36; page 12, lines 12-17; page 13, lines 14-38; page 14, lines 1-38; page 15, lines 1-38; page 16, lines 1-37; page 17, lines 1-8; page 21, lines 16-24; page 22, lines 12-22; page 23, lines 32-34; page 24, lines 1-17; pages 73-75, EXAMPLE 2; pages 82-83, EXAMPLE 10; page 85, EXAMPLE 12; pages 88-91, EXAMPLE 16; and the claims as originally filed.

Formal Matters

Claims

Claim 65 is objected to for depending upon cancelled Claim 48. Claims 67 and 68 are objected under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicants, have herein cancelled Claim 65 and amended Claims 67 and 68 so as to be in proper dependent form, thereby obviating the objections.

Objections and Rejections under 35 U.S.C. §112, First Paragraph

Claims 60, 63, 69 and 70 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly

containing subject matter which was not described in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to

make and/or use the invention. The Examiner alleges that while the specification teaches that IL-17C (PRO1122) of SEQ ID NO:3 induces the production of TNF-α (Example 10), the specification does not reasonably provide enablement for all polypeptides "having at least 80% amino acid sequence identity to" above sequences. Without necessarily agreeing with the propriety of the rejections, Claims 60-65 have been cancelled, thus rendering the rejection of Claims 60 and 63 moot. Furthermore, Claims 67-69 have been amended and new Claims 71-82 have been added so as to more clearly define the subject matter claimed therein. Applicants will respond to the rejection as if it would apply to amended Claims 67-69 and newly added Claims 71-82 submitted herewith. Applicants respectfully traverse the rejections.

The Examiner has stated that while the specification teaches that IL-17C of SEQ ID NO:3 induces the production of TNF-α, it allegedly provides no guidance as to how the skilled artisan could use an inactive variant of SEQ ID:3, as no functional limitation is associated with the variants. Without necessarily agreeing with the propriety of the rejection, Applicants have herein amended the claims directed to variants of SEQ ID NO:3 to recite the functional limitation "wherein said isolated polypeptide is capable of inducing the production of TNF-α in human leukemia monocytic THP-1 cells". Thus, the claims as amended are directed to biologically active variants. In so much as the specification clearly describes how to make and how to use biologically active variants, Applicants respectfully submit that the presently claimed invention is fully supported and described in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection under 35 U.S.C. §112, first paragraph.

In light of the above amendments and remarks, Applicants believe that this application is now in condition for immediate allowance and respectfully request that the outstanding objections be withdrawn and this case passed to issue.

The Examiner is invited to contact the undersigned at (650) 225-4563 if any issues may be resolved in that manner.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

Respectfully submitted,

GENENTECH, INC.

Date: October 24, 2002

By: Elizabeth M. Barnes

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Specification:

The title at page 1, line 1 has been deleted and replaced with new title *IL-17 Related Mammalian Cytokine Polypeptides (IL-17C).*

In the Claims

Claims 60-65 have been cancelled.

New Claims 71-82 have been added.

Claim 67 has been amended as follows:

76. (Amended) The composition of matter of Claim ~~60~~ 66 which comprises a PRO1122 polypeptide comprising amino acid residues 1 to 197 of SEQ ID NO:3 in combination with a pharmaceutically acceptable carrier.

Claim 68 has been amended as follows:

77. (Amended) The composition of matter of Claim ~~60~~ 66 which comprises a PRO1122 polypeptide comprising amino acid residues 19 to 197 of SEQ ID NO:3 in combination with a pharmaceutically acceptable carrier.

Claim 69 has been amended as follows:

78. (Amended) An article of manufacturing comprising:

a container; and

a composition of matter comprising an isolated polypeptide having, ~~wherein said polypeptide comprises~~ at least ~~about~~ 80% amino acid sequence identity to:

(a) a PRO1122 polypeptide comprising amino acid residues 1 to 197 of SEQ ID NO:3, ~~and~~

(b) a PRO1122 polypeptide comprising amino acid residues 19 to 197 of SEQ ID NO:3; ~~in combination with a pharmaceutically acceptable carrier~~

(c) the amino acids encoded by the full-length coding sequence of the cDNA deposited under ATCC accession number 203654, or

(d) the amino acids encoded by the full-length coding sequence of the cDNA deposited under ATCC accession number 203654 lacking its associated signal peptide encoding region; wherein said isolated polypeptide is capable of inducing the production of TNF-α in human leukemia monocytic THP-1 cells.